

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK WHITE,

Plaintiff,

v.

Case No. 13-15073

HON. AVERN COHN

PAUL KLEE, LEE McROBERTS,
and C. CONDON,

Defendants.

ORDER

ADOPTING REPORT AND RECOMMENDATION (Doc. 211)

AND

GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION TO REOPEN
DISCOVERY & AMEND WITNESS LIST DUE TO NEWLY DISCOVERED EVIDENCE
(Doc. 205)

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff is proceeding pro se¹ and in forma pauperis. The matter has been referred to a magistrate judge for all pretrial proceedings. (Doc. 12). Following motion practice and reports and recommendation (MJRR) which were adopted by the Court, plaintiff's remaining claims relate to his refusal to "snitch" on fellow inmates and the alleged failure of Paul Klee, the Warden at the Gus Harrison Facility, Lee McRoberts, the Deputy Warden, and Defendant C. Condon, a Resident Unit Manager ("defendants") to properly protect him

¹On September 15, 2015, the Court appointed counsel to represent plaintiff. (Doc. 121). On April 1, 2016, however, the Court granted Plaintiff's counsel's motion to withdraw from the case, following a "fundamental breakdown in the attorney-client relationship," which counsel alleged was "caused by [Plaintiff's] belligerent insistence upon taking action [counsel] believes to be legally unjustified." (Doc. 133 at p. 6-7.)

from gang members.

Most recently, plaintiff filed a Motion to Reopen Discovery & Amend Witness List Due to Newly Discovered Evidence (Doc. 205), which the Court referred to the magistrate judge. (Doc. 208). The magistrate judge issued a report and recommendation (MJRR), recommends the following:

Plaintiff's Motion to Reopen Discovery & Amend Witness List due to Newly Discovered Evidence be GRANTED IN PART and DENIED IN PART. Plaintiff should be permitted to amend his witness list in order to add Mr. Ramon Arthur Pfromm. However, the Court should reopen discovery in this matter only for the limited purpose of deposing Mr. Pfromm, which, if Defendants wish to pursue, should occur within 30 days of any order adopting this Report and Recommendation.

(Doc. 211 at p. 2).

II.

Neither party has filed objections to the MJRR and the time for filing objections has passed. The failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir.1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court has reviewed the MJRR and agrees with the magistrate judge. Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court.

Plaintiff's Motion to Reopen Discovery & Amend Witness List due to Newly Discovered Evidence is GRANTED IN PART and DENIED IN PART. Plaintiff is permitted to amend his witness list to add Ramon Arthur Pfromm.

Discovery is REOPENED for the limited purpose of deposing Pfromm, which, if defendants wish to pursue, shall occur within 30 days of this order.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: 2/15/2018
Detroit, Michigan